

transferring a user profile from a home wireless system to a visited wireless system, classified in class 455, subclass 432.

Applicant hereby elects Group I, to which claims 1-24 are directed, with traverse.

Applicant respectfully directs the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Groups I and II together as one group. Groups I and II are both directed to inventions classified in the same class and subclass, it is respectfully submitted that the Examiner would not be unduly burdened to examine both Groups I and II together and prosecute them in the same application.

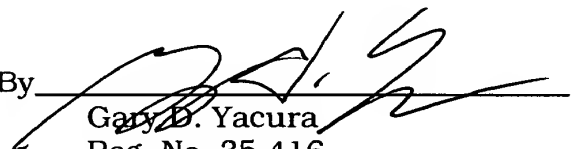
Accordingly, even though Applicant has elected Group I, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



Gary D. Yacura  
Reg. No. 35,416

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

GDY/JWR/dg